



TENNESSEE STORM WATER
MULTI-SECTOR GENERAL PERMIT
FOR INDUSTRIAL ACTIVITIES

PERMIT NO. TNR050000

Under authority of the Tennessee Water Quality Control Act of 1977 (T.C.A. 69-3-101 et seq.) and the delegation of authority from the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq.) and the Water Quality Act of 1987, P.L. 100-4, except as provided in Part I.B.3. of this storm water multi-sector general permit, operators of point source discharges of storm water associated with industrial activity that discharge into waters of the State of Tennessee, represented by the industry sectors identified in Part XI of this permit, are authorized to discharge storm water runoff associated with industrial activity in accordance with the following storm water pollution prevention plan requirements, effluent limitations, monitoring and reporting requirements and other provisions as set forth in Parts I through XI herein, from the subject facility to waters of the State of Tennessee.

This permit is issued on: **February 6, 2002**

This permit is effective on: **March 1, 2002**

This permit expires on: **December 31, 2006**

Paul E. Davis, Director
Division of Water Pollution

Control

CN-0759

RDAs 2352 and 2366

**NPDES GENERAL PERMIT
FOR
STORM WATER DISCHARGES FROM INDUSTRIAL ACTIVITIES**

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Tennessee Storm Water Multi-Sector General Permit for Industrial Activities
(TMSP)

I COVERAGE UNDER THIS PERMIT

A Permit Area

The permit is being issued for the State of Tennessee.

B Eligibility

1. Discharges Covered

Except for storm water discharges identified under paragraph I.B.3., this permit may cover all new and existing point source discharges of storm water to waters of the State that are associated with industrial activity identified under the coverage sections contained in Part XI. (see Table 1). Military installations must comply with the permit and monitoring requirements for all sectors that describe industrial activities that such installations perform. Similarly, facilities that have "co-located" activities that are described in more than one sector need to comply with applicable conditions of each sector.

Table 1

Storm Water Discharges From:	Associated SIC Codes	Are Covered if Listed in Part:
Timber Products Facilities	2411, 2421, 2426, 2429, 2431, 2435, 2436, 2439, 2441, 2448, 2449, 2451, 2452, 2491, 2493, 2499	XI.A.1.
Paper and Allied Products Manufacturing Facilities	2611, 2621, 2631, 2652, 2653, 2655, 2656, 2657, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679	XI.B.1.
Chemical and Allied Products Manufacturing Facilities	2812, 2813, 2816, 2819, 2821, 2822, 2823, 2824, 2841, 2842, 2843, 2844, 2851, 2861, 2865, 2869, 2873, 2874, 2875, 2879, 2891, 2892, 2893, 2895, 2899	XI.C.1.
Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities	2951, 2952, 2992	XI.D.1.
Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities	3211, 3221, 3229, 3231, 3241, 3251,	XI.E.1.

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Storm Water Discharges From:	Associated SIC Codes	Are Covered if Listed in Part:
	3252, 3255, 3259, 3261, 3262, 3263, 3264, 3269, 3271, 3272, 3273, 3274, 3275, 3281, 3285, 3295, 3296, 3297, 3299	
Primary Metals Facilities	3312, 3313, 3315, 3316, 3317, 3321, 3322, 3324, 3325, 3331, 3334, 3339, 3341, 3351, 3353, 3354, 3355, 3356, 3357, 3363, 3364, 3365, 3366, 3369, 3398, 3399	XI.F.1.
Metal Mines (Ore Mining and Dressing) (RESERVED)	(RESERVED)	XI.G.1.
Inactive Coal Mines and Inactive Coal Mining-Related Facilities	1221, 1222, 1231, 1241	XI.H.1.
Oil or Gas Extraction Facilities	1311, 1321, 1381, 1382, 1389	XI.I.1.
Construction Sand and Gravel Mining and Processing and Dimension Stone Mining and Quarrying Facilities	1411, 1422, 1423, 1429, 1442, 1446, 1455, 1459, 1474, 1475, 1479, 1481, 1499	XI.J.1.
Hazardous Waste Treatment Storage or Disposal Facilities	4953, however, may use main facility's SIC code	XI.K.1.
Landfills and Land Application Sites	4953, except for hazardous waste TSD facilities	XI.L.1.
Automobile Salvage Yards	5015	XI.M.1.
Scrap Recycling and Waste and Recycling Facilities	5093	XI.N.1.
Steam Electric Power Generating Facilities	4911	XI.O.1.
Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities	4011, 4013, 4111, 4119, 4121, 4131, 4141, 4142, 4151, 4173, 4212, 4213, 4214, 4215, 4221, 4222, 4225, 4226, 4231, 4311, 5171	XI.P.1.
Vehicle Maintenance Areas and Equipment	4412, 4424, 4432,	XI.Q.1.

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Storm Water Discharges From:	Associated SIC Codes	Are Covered if Listed in Part:
Cleaning Areas of Water Transportation Facilities	4449, 4481, 4482, 4489, 4491, 4492, 4493, 4499	
Ship or Boat Building and Repair Yards	3731, 3732	XI.R.1.
Vehicle Maintenance Areas, Equipment Cleaning Areas or From Airport Deicing Operations located at Air Transportation Facilities	4512, 4513, 4522, 4581	XI.S.1.
Wastewater Treatment Works	4952	XI.T.1.
Food and Kindred Products Facilities	2011, 2013, 2015, 2021, 2022, 2023, 2024, 2026, 2032, 2033, 2034, 2035, 2037, 2038, 2041, 2043, 2044, 2045, 2046, 2047, 2048, 2051, 2052, 2053, 2061, 2062, 2063, 2064, 2066, 2067, 2068, 2074, 2075, 2076, 2077, 2079, 2082, 2083, 2084, 2085, 2086, 2087, 2091, 2092, 2095, 2096, 2097, 2098, 2099, 2111, 2121, 2131, 2141	XI.U.1.
Textile Mills, Apparel and other Fabric Product Manufacturing Facilities	2211, 2221, 2231, 2241, 2251, 2252, 2253, 2254, 2257, 2258, 2259, 2261, 2262, 2269, 2273, 2281, 2282, 2284, 2295, 2296, 2297, 2298, 2299, 2311, 2321, 2322, 2323, 2325, 2326, 2329, 2331, 2335, 2337, 2339, 2341, 2342, 2353, 2361, 2369, 2371, 2381, 2384, 2385, 2386, 2387, 2389, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2399	XI.V.1.

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Storm Water Discharges From:	Associated SIC Codes	Are Covered if Listed in Part:
Furniture and Fixture Manufacturing Facilities	2434, 2511, 2512, 2514, 2515, 2517, 2519, 2521, 2522, 2531, 2541, 2542, 2591, 2599	XI.W.1.
Printing and Platemaking Facilities	2721, 2732, 2752, 2754, 2759, 2771, 2796	XI.X.1.
Rubber and Miscellaneous Plastic Product Manufacturing Facilities	3011, 3021, 3052, 3053, 3061, 3069, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3931, 3942, 3944, 3949, 3951, 3952, 3953, 3955, 3961, 3965, 3991, 3993, 3995, 3996, 3999	XI.Y.1.
Leather Tanning and Finishing Facilities	3111, 3143	XI.Z.1.
Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware	3441, 3412, 3421, 3423, 3425, 3429, 3431, 3432, 3433, 3441, 3442, 3443, 3444, 3446, 3448, 3449, 3451, 3452, 3463, 3465, 3469, 3471, 3479, 3484, 3489, 3491, 3494, 3495, 3496, 3498, 3499, 3911, 3914, 3915	XI.AA.1.
Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery	3511, 3519, 3523, 3524, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3552, 3553, 3554, 3555, 3556, 3559, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3581, 3582, 3585, 3586, 3589, 3592, 3593, 3594, 3596, 3599,	XI.BB.1.

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Storm Water Discharges From:	Associated SIC Codes	Are Covered if Listed in Part:
	3711, 3713, 3714, 3715, 3716, 3721, 3724, 3728, 3743, 3751, 3761, 3764, 3769, 3792, 3795, 3799	
Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods	3571, 3572, 3575, 3577, 3578, 3579, 3612, 3613, 3621, 3624, 3625, 3629, 3631, 3632, 3633, 3634, 3635, 3639, 3641, 3643, 3644, 3645, 3646, 3647, 3648, 3651, 3652, 3661, 3663, 3669, 3671, 3672, 3674, 3675, 3677, 3678, 3679, 3691, 3692, 3694, 3695, 3699, 3812, 3813, 3821, 3822, 3823, 3824, 3825, 3826, 3827, 3829, 3841, 3842, 3843, 3844, 3851, 3861, 3873	XI.CC.1.
Facilities That Are Not Covered Under Sectors A Thru AC (Monitoring Required)	Varies, may include 9999	XI.DD.1.
Facilities That Are Not Covered Under Sectors A Thru AC (Monitoring Not Required)	Varies, may include 9999	XI.EE.1.

2. Construction

This permit may authorize storm water discharges associated with industrial activity that are mixed with storm water discharges associated with industrial activity from construction activities provided that the storm water discharge from the construction activity is authorized by and in compliance with the terms of a different NPDES general permit or individual permit authorizing such discharges.

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3. Limitations on Coverage

The following storm water discharges associated with industrial activity are not authorized by this permit:

Storm water discharges associated with industrial activities that are not listed under the coverage sections contained in Part XI. (see Table 1).

Storm water discharges associated with industrial activity that are mixed with sources of non-storm water other than non-storm water discharges that are:

In compliance with a different NPDES permit; or

Identified by and in compliance with Part III.A. (Prohibition of Non-storm Water Discharges) of this permit.

Storm water discharges associated with industrial activity that are subject to an existing NPDES individual or general permit.

Are located at a facility where an NPDES permit has been issued in accordance with Part VII.K (Requiring an Individual Permit or an Alternative General Permit) of this permit.

Storm water discharges associated with industrial activity that the Division of Water Pollution Control has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard.

Discharges subject to storm water effluent guidelines, not described under Part XI.

Storm water discharges associated with industrial activity from inactive mining, inactive landfills, or inactive oil and gas operations occurring on Federal lands where an operator cannot be identified.

4. Storm Water Not Associated With Industrial Activity

Storm water discharges associated with industrial activity that are authorized by this permit may be combined with other sources of storm water that are not classified as associated with industrial activity pursuant to 40 CFR 122.26(b)(14).

5. Threatened and Endangered Species Protection

a) Permit Coverage Restrictions: In order to be eligible for coverage under this permit, the applicant must comply with the Endangered Species Act. A discharge of storm water associated with industrial activity may be covered under this permit only if either:

(1) The storm water discharge(s), and the construction of BMPs to control storm water runoff, are not likely to adversely affect species identified in Addendum F of this permit; or

(2) The applicant's activity has received previous authorization under the Endangered Species Act and established an environmental baseline that is unchanged; or

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(3) The applicant is implementing appropriate measures as required by the Director to address adverse affects.

b) All dischargers applying for coverage under this multi-sector storm water general permit must certify (in the Storm Water Pollution Prevention Plan) that their storm water discharge(s), and the construction of BMPs to control storm water runoff, are not likely to adversely affect species identified in Addendum F of this permit.

Discharges Not Protective of Federally or State listed Threatened and Endangered Species - Storm water discharges and storm water discharge-related activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna in the receiving stream(s); or discharges or activities that would result in a “take” of a Federally listed endangered or threatened fish or wildlife species; if the State finds that storm water discharges or storm water related activities are likely to result in any of the above effects, the State will deny the coverage under this general permit unless and until project plans are changed to protect the listed species.

C Authorization

Dischargers of storm water associated with industrial activity must submit a complete Notice of Intent (NOI) in accordance with the requirements of Part II of this permit, using a NOI form as found in **Addendum B** (or a copy thereof), to be authorized to discharge under this general permit. Unless notified by the Division to the contrary, owners or operators who submit such notification are authorized to discharge storm water associated with industrial activity under the terms and conditions of this permit 5 days after the date that the NOI is postmarked. The Division may deny coverage under this permit and require submittal of an application for an individual NPDES permit based on a review of the NOI or other information.

D Discharges to Water Quality Impaired/Water Quality Limited Waters:

Any operator who intends to obtain authorization under the TMSP for all new and existing storm water discharges to water quality-impaired (303(d) listed) waters, or discharges upstream of waters impaired by the same parameter, that may affect the impaired waters, from facilities where there is a reasonable potential to contain pollutants for which the receiving water is impaired, must satisfy the following conditions prior to the authorization (for the most recent list of water quality-impaired (303(d)) waters, go to <http://www.state.tn.us/environment/wpc/>):

1. Requirements for New Discharges or Existing Discharges Proposing an Increase of Pollutant Loading

Prior to the Division’s granting coverage under the TMSP, the operator shall provide an estimate of pollutant loads in storm water discharges from the facility to the Division. This estimate shall include the documentation upon which the estimate is based (e.g., sampling data from the facility, sampling data from substantially identical outfalls at similar facilities, modeling, etc.). Existing facilities should base this estimate on actual analytical data, if available. This information shall be submitted in writing to the Division (see Part II.C: Where to Submit) at least 90 days prior to commencement of proposed industrial activities at the site.

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- a) If a Total Maximum Daily Load (TMDL) has been developed, permit coverage is available only if the operator has received notice from the Division confirming eligibility.

Following receipt of the information regarding an estimate of pollutant loads, the Division anticipates using the following process in making eligibility determinations for new discharges into 303(d) waters where a TMDL has been developed:

- the Division will notify the facility operator that the estimated pollutant load is consistent with the TMDL and that the proposed storm water discharges meet the eligibility requirements of the TMSP and may be authorized under this permit; or
- the Division will notify the facility operator and EPA that the estimated pollutant load is not consistent with the TMDL and that the proposed storm water discharges do not meet the eligibility requirements of the TMSP and can not be authorized under this NPDES permit.

- b) If a Total Maximum Daily Load (TMDL) has not been developed, permit coverage for new discharges or existing discharges proposing an increase of pollutant loading is not available under this permit for discharges to 303(d) waters and the operator must seek coverage under a separate (individual) permit.

2. Requirements for Existing Discharges

- a) If a Total Maximum Daily Load (TMDL) has been developed, permit coverage is available only if the operator has received notice from the Division confirming eligibility.

If a TMDL has been developed, the Division will require the operator to provide an estimate of pollutant loads in storm water discharges from the facility. This estimate must include the documentation upon which the estimate is based (e.g., sampling data from the facility, sampling data from substantially identical outfalls at similar facilities, modeling, etc.). Facilities with existing discharges must base this estimate on actual analytical data, if available.

The Division anticipates using the following process in making eligibility determinations for existing discharges into 303(d) waters where a TMDL has been developed:

- the Division will notify the facility operator that the estimated pollutant load is consistent with the TMDL and that the proposed storm water discharges meet the eligibility requirements of the TMSP and may be authorized under this NPDES permit; or
- the Division will notify the facility operator that the estimated pollutant load is not consistent with the TMDL and that the proposed storm water discharges do not meet the eligibility requirements of the TMSP and can not be authorized under this NPDES permit.

- b) If a Total Maximum Daily Load (TMDL) has not been developed at the time of permit authorization, coverage under this permit is available only if the pollutant loading from existing facilities remains unchanged or is reduced as a result of additional pollution prevention measures as identified in the facility's Storm Water Pollution Prevention Plan (SWPPP).

If a TMDL is developed during the term of this permit and identifies existing permitted discharges as having a reasonable potential to contain pollutants for which the receiving water is impaired, these discharges shall no longer be authorized by this permit unless, following notification by the Division:

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- The operator completes revisions to the Storm Water Pollution Prevention Plan (SWPPP) to include additional and/or modified Best Management Practices (BMPs) designed to comply with any applicable Waste Load Allocation (WLA) established for facility discharges within 30 calendar days following notification by the Division; and
- The operator implements the additional and/or modified BMPs not requiring construction within 60 days;
- In cases where construction is necessary, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 1 years following notification by the Division; and
- A report is submitted to the Division which documents actions taken to comply with this condition, including estimated pollutant loads, within 90 calendar days following implementation of the additional and/or modified BMPs.

c) Additional Monitoring for Existing Discharges

The permittee shall perform analytical monitoring for each outfall at least quarterly for any pollutant(s) for which the 303(d) water is impaired where there is a reasonable potential for discharges to contain any or all of these pollutants. Monitoring results should be submitted to the Division (see Reporting: Where to Submit) within 45 calendar days following sample collection. These monitoring requirements are not eligible for any waivers listed elsewhere in the permit.

E Permit Eligibility Regarding Protection of Water Quality Standards and Compliance with State Anti-degradation Requirements

Pursuant to the Rules of the Tennessee Department of Environment and Conservation, Chapter 1200-4-3-.06, titled "Tennessee Antidegradation Statement," and in consideration of the Department's directive in attaining the greatest degree of effluent reduction achievable in municipal, industrial, and other wastes, the permittee shall further be required, pursuant to the terms and conditions of this permit, to comply with any applicable Waste Load Allocations (WLA), effluent limitations and schedules of compliance, required to implement applicable water quality standards, to comply with a State Water Quality Plan or other State or Federal laws or regulations, or where practicable, to comply with a standard permitting no discharge of pollutants. Additional Storm Water Pollution prevention plan (SWPPP) requirements, as described in Part I.F are applicable to new discharges and discharges which constitute an increase of pollutant loading for discharges to waters identified by the Department as high quality waters, or discharges upstream of high quality waters, that may affect the high quality waters. High quality waters are sometimes referred to as Tier II or Tier III (ONRW) waters.

F Overview of the Multi-Sector General Permit

Parts I. - X. apply to all facilities. Parts I. and II. describe eligibility requirements and the process for obtaining permit coverage. Parts III. - X. contain "basic" permit requirements.

Part XI. provides additional requirements for particular sectors of industrial activity. For example, primary metal facilities add Part XI.F. to the "universal" Parts I. - X. requirements.

Some facilities may have "co-located" activities that are described in more than one sector and need to comply with applicable conditions of each sector. For example, a chemical manufacturing facility could

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have a land application site and be subject to Part XI.C. - Chemical and Allied products Manufacturing sector (primary activity), with runoff from the land application site (co-located activity) also subject to conditions in the Part XI.L. - Landfills and Land Application Sites sector.

II NOTIFICATION REQUIREMENTS

A Deadlines for Notification

1. Existing Facility

Except as provided in paragraphs II.A.4. (New Operator), and II.A.5. (Late Notification), individuals who intend to obtain coverage for an existing storm water discharge associated with industrial activity under this general permit shall submit an NOI in accordance with the requirements of this part not more than 30 days following the effective date (March 1, 2002) of this permit;

2. New Facility

Except as provided in paragraphs II.A.3. (Oil and Gas Operations), II.A.4. (New Operator), and II.A.5. (Late Notification), operators of facilities that begin industrial activity after May 31, 1997 shall submit an NOI in accordance with the requirements of this part at least 5 days prior to the commencement of the industrial activity at the facility;

3. Oil and Gas Operations

Operators of oil and gas exploration, production, processing, or treatment operations or transmission facilities, that were not required to submit a permit application as of May 31, 1997 in accordance with 40 CFR 122.26(c)(1)(iii), but that after May 31, 1997 have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6, 40 CFR 117.21, or 40 CFR 302.6, must submit an NOI in accordance with the requirements of Part II.C. of this permit within 14 calendar days of the first knowledge of such release.

4. New Operator

Where the operator of a facility with a storm water discharge associated with industrial activity that is covered by this permit changes, the new operator of the facility must submit an NOI in accordance with the requirements of this part at least 5 days prior to the change.

5. Late Notification

An operator of a storm water discharge associated with industrial activity is not precluded from submitting an NOI in accordance with the requirements of this part after the dates provided in Parts II.A.1., 2., 3., or 4. (above) of this permit.

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6. Facilities Previously Subject to the Tennessee Storm Water Multi-Sector General Permit For Industrial Activities

Facilities previously covered by the Tennessee Storm Water Multi-Sector General Permit For Industrial Activities should obtain coverage under this permit. The coverage can be obtained by submitting a Notice of Intent in accordance with the requirements of the Part I.B no later than 30 days after the effective date (March 1, 2002) of the new permit.

B Contents of Notice of Intent

The NOI shall be signed in accordance with Part VII.G. (Signatory Requirements) of this permit and shall include the following information:

1. Facility Identification and Location Information

The legal and official name of the facility, and the address or description of location of the facility, the name of county the facility is located, facility latitude and longitude, as well as a copy of U.S.G.S. topographical map, a city map, or a county map, identifying the location of the facility;

2. Facility Operator

The name of the person, firm, organization, or other entity which owns and/or operates the subject facility. The name, title or position, mailing address and E-mail of an official contact person, as well as the facility contact person (i.e. local contact, if applicable) and an indication of the mailing address where correspondence should be sent;

3. Receiving Water and Outfall Information

Number of storm water outfalls at the facility; for each outfall, names and stream miles or location(s) of the receiving stream(s) and/or lake(s);

4. Industrial Information

The SIC code(s) for the facility (primary, secondary, if applicable, etc.), a brief description of the nature of the business at the facility, and an indication of which activities are occurring at the facility; area of property associated with industrial activity in acres. Please note that area of facility property should not include recreation areas, landscaping, lawns, greenfields, forest, office buildings, employee parking lots, etc.;

5. Change of Operator

Whether this NOI is being submitted due to a change in the operator or to update facility information (such as a name of facility, new contact, E-mail address, etc.) of a facility which is currently covered under the TN Storm Water Multi-Sector General Permit, and the former operator's permit tracking number;

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6. Certification and Signature

The following certification shall be signed in accordance with Part VII.G.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the site, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

7. Pollution Prevention Plan Preparation and Implementation

All new and existing facilities that request coverage under this permit must have a storm water pollution prevention plan (SWPPP) prepared and implemented in accordance with Part IV prior to NOI submittal. For those permittees switching coverage from the expiring TMSP, existing SWPPPs will satisfy the requirement to have a plan developed before the NOI is signed, when modified as necessary in accordance with Part IV.A.4. Do not include a copy of the SWPPP with the NOI submission, except as required by Part IV.F of this permit.

C Where to Submit

Facilities that discharge storm water associated with industrial activity must use an NOI form provided by the Division (or a copy thereof). NOIs must be signed in accordance with Part VII.G. (Signatory Requirements) of this permit. NOIs are to be submitted to the Division at the following address:

**Storm Water NOI Processing
Tennessee Division of Water Pollution Control
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534**

D Electronic Submission of NOIs

If the Division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the Internet) of other NOI form options that become available at a later date (e.g., electronic submission of forms), the permittees may take advantage of those options to satisfy the NOI notification requirements.

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III SPECIAL CONDITIONS

A Prohibition of Non-storm Water Discharges

1. Storm Water Discharges

All discharges covered by this permit shall be composed entirely of storm water.

2. Allowable Non-Storm Water Discharges

Discharges of material other than storm water must be in compliance with an NPDES permit (other than this permit and as listed below) issued for the discharge. This permit authorizes the following non-storm water discharges:

- Fire hydrant flushings;
- Potable water including water line flushings;
- Uncontaminated air conditioning or compressor condensate;
- Irrigation drainage;
- Landscape watering provided all pesticides, herbicides, and fertilizer have been applied in accordance with manufacturer's instructions;
- Uncontaminated ground water or spring water;
- Foundation or footing drains where flows are not contaminated with process materials such as solvents;
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but NOT intentional discharges from the cooling tower (e.g., "piped" cooling tower blowdown or drains).
- Discharges from wet deck storage areas, which are authorized only if no chemical additives are used in the spray water or applied to the logs.

B Releases in Excess of Reportable Quantities

1. Hazardous Substances or Oil

The discharge of hazardous substances or oil in the storm water discharge(s) from a facility shall be prevented or minimized in accordance with the applicable storm water pollution prevention plan for the facility. This permit does not relieve the permittee of the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302. Except as provided in paragraph III.B.2 (Multiple Anticipated Discharges) of this permit, where a release containing a hazardous substance in an amount equal to or in excess of a reporting quantity established under either 40 CFR Part 117 or 40 CFR Part 302, occurs during a 24-hour period:

The discharger is required to notify the National Response Center (NRC) at 1-800-424-8802, the Tennessee Emergency Management Agency (TEMA) at 1-800-262-3300, and the appropriate Division's Environmental Assistance Center (see list of EACs on page 15), in accordance with the requirements of 40 CFR Part 117 and 40 CFR Part 302, as soon as he or she has knowledge of the discharge;

The storm water pollution prevention plan required under Part IV. (Storm Water Pollution Prevention Plans) of this permit must be modified within 14 calendar days of knowledge of the release to provide a description of the release, the circumstances leading to the release, and the date of the release. In

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addition, the plan must be reviewed by the permittee to identify measures to prevent the reoccurrence of such releases and to respond to such releases, and the plan must be modified where appropriate; and

The permittee shall submit within 14 calendar days of knowledge of the release a written description of the release (including the type and estimate of the amount of material released), the date that such release occurred, the circumstances leading to the release, and steps to be taken in accordance with paragraph III.B.1.b. (above) of this permit to the appropriate Division's Environmental Assistance Center (see list of EACs on page 15).

2. Multiple Anticipated Discharges

Facilities that have more than one anticipated discharge per year containing the same hazardous substance in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 117 or 40 CFR Part 302, that occurs during a 24-hour period, where the discharge is caused by events occurring within the scope of the relevant operating system shall:

Submit notifications in accordance with Part III.B.1.b. (above) of this permit for the first such release that occurs during a calendar year (or for the first year of this permit, after submittal of an NOI); and

Shall provide in the storm water pollution prevention plan required under Part IV. (Storm Water Pollution Prevention Plans) a written description of the dates on which all such releases occurred, the type and estimate of the amount of material released, and the circumstances leading to the releases. In addition, the plan must be reviewed to identify measures to prevent or minimize such releases and the plan must be modified where appropriate.

3. Spills

This permit does not authorize the discharge of hazardous substances or oil resulting from an onsite spill.

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C List of Division's Environmental Assistance Centers (EACs) and Counties

EAC Name	List of Counties
Chattanooga	Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie
Columbia	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
Cookeville	Cannon, Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren, White
Jackson	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Weakley
Johnson City	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
Knoxville	Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
Memphis	Fayette, Shelby, Tipton
Nashville	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, Wilson

EAC Name	Address	City	Zip	Area Code	Phone Number
Chattanooga	540 McCallie Avenue, Suite 550	Chattanooga	37402-2013	423	634-5745
Columbia	2484 Park Plus Drive	Columbia	38401	931	380-3371
Cookeville	1221 South Willow Avenue	Cookeville	38506	931	432-4015
Jackson	362 Carriage House Drive	Jackson	38305-2222	731	512-1300
Johnson City	2305 Silverdale Road	Johnson City	37601-2162	423	854-5400
Knoxville	2700 Middlebrook Pike, Suite 220	Knoxville	37921	865	594-6035
Memphis	2510 Mt. Moriah Road, Suite E-645	Memphis	38115-1520	901	368-7939
Nashville	711 R.S. Gass Boulevard	Nashville	37243-1550	615	687-7000

All Environmental Assistance Centers (EACs) may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC).

D Co-located Industrial Activity

In the case where a facility has industrial activities occurring onsite which are described by any of the activities in other sections of Part XI, those industrial activities are considered to be co-located industrial activities. Storm water discharges from co-located industrial activities are authorized by this permit, provided that the permittee complies with any and all additional pollution prevention plan and monitoring requirements from other sections of Part XI applicable to the co-located industrial activity. The operator of the facility shall determine which additional pollution prevention plan and monitoring requirements are applicable to the co-located industrial activity by examining the narrative descriptions of each coverage

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section (Discharges Covered Under This Section) in Part XI of this permit. Provisions under this Part are applicable on an outfall-specific basis.

IV STORM WATER POLLUTION PREVENTION PLANS

A storm water pollution prevention plan (SWPPP) shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices and in accordance with the factors outlined in 40 CFR 125.3(d)(2) or (3) as appropriate. The plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the storm water pollution prevention plan required under this part as a condition of this permit. For additional information to assist permittees in complying with these permit conditions and in the preparation of the storm water pollution prevention plan, see Addendum E, List of Applicable References.

A Deadlines for Plan Preparation and Compliance

1. Existing Facilities

Except as provided in paragraphs 3., 4. and 5. (below), all facilities seeking coverage under the new TMSP who were previously covered by the expiring TMSP shall continue to implement the storm water pollution prevention plan developed under the expiring permit. The SWPPP shall be modified to address additional requirements in the new permit no later than 60 days following the effective date (March 1, 2002) of this permit. The revisions made to the plan shall be implemented within 180 days following the effective date (March 1, 2002) of this permit, except where new construction is required, in which case the construction must be completed within 1 year following the effective date (March 1, 2002) of this permit.

2. New Facilities

Except as provided in paragraphs 3., 4. and 5. (below), all new facilities shall prepare and implement the plan prior to submitting the Notice of Intent.

3. Oil and Gas Operations

Oil and gas exploration, production, processing or treatment operations or transmission facilities that are not required to submit a permit application on or before May 31, 1997 in accordance with 40 CFR 122.26(c)(1)(iii), but after May 31, 1997 have a discharge of a reportable quantity of oil or a hazardous substance for which notification is required pursuant to either 40 CFR 110.6, 40 CFR 117.21 or 40 CFR 302.6, shall prepare and implement the plan on or before the date 60 calendar days after first knowledge of such release.

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4. Facilities Switching From Coverage Under an Individual NPDES permit to This Permit

Facilities previously subject to an individual NPDES permit that switch to coverage under this permit shall continue to implement the storm water pollution prevention plan required by that permit. The plan shall be revised as necessary to address requirements under Part XI. of this permit no later than 180 days following the effective date (March 1, 2002) of this permit. The revisions made to the plan shall be implemented on or before 1 year following the effective date (March 1, 2002) of this permit. The antibacksliding provisions, as contained in Section 402(o) of the Clean Water Act and codified in the NPDES regulations at 40 CFR §122.44 (l) Reissued permits shall apply to the facilities previously subject to an individual NPDES permit that switch to coverage under this permit.

5. Measures That Require Construction

In cases where construction is necessary, the plan shall contain a schedule that provides compliance with the plan as expeditiously as practicable, but no later than 2 years following the effective date (March 1, 2002) of this permit. Where a construction compliance schedule is included in the plan, the schedule shall include appropriate non-structural and/or temporary controls to be implemented in the affected portion(s) of the facility prior to completion of the permanent control measure.

6. Extensions

Upon a showing of good cause, the Division may establish a later date in writing for preparing and compliance with a storm water pollution prevention plan for a storm water discharge associated with industrial activity.

B Signature and Plan Review

1. Signature/Location

The plan shall be signed in accordance with Part VII.G. (Signatory Requirements), and be retained onsite at the facility that generates the storm water discharge in accordance with Part VII.P.2. (Retention of Records) of this permit. For inactive facilities, the plan may be kept at the nearest office of the permittee.

2. Availability

The permittee shall make the storm water pollution prevention plan, annual site compliance inspection report, or other information available upon request to the Division; the EPA; the U.S. Fisheries and Wildlife Service Regional Director; the Tennessee Wildlife Resources Agency; or authorized representatives of these officials.

3. Required Modifications

The Director of the Division of Water Pollution Control, or authorized representative, may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this part. Such notification shall identify those provisions of the permit that are not being met by the plan, and identify which provisions of the plan require modification in order to meet the minimum requirements of this part. Within 60 days of such notification from the Director, (or as otherwise provided by the

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Division), or authorized representative, the permittee shall make the required changes to the plan and shall submit to the Division a written certification that the requested changes have been made.

C Keeping Plans Current

The permittee shall amend the storm water pollution prevention plan (SWPPP):

- whenever there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the State;
- if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified under Part IV.D. (Contents of the Plan) of this permit; or
- if the storm water pollution prevention plan proves to be ineffective in otherwise achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity.

In addition, the permittee shall evaluate the results obtained from sampling and monitoring pursuant to the Monitoring and Reporting Requirements applicable to each sector in Part XI of this permit. The evaluation should be done following the required annual sampling events to determine whether the facility is below, meets, or exceeds the monitoring cut-off concentrations as shown in Part XI. for that particular industry. If the results of annual storm water runoff monitoring demonstrate that the facility has exceeded the cut-off concentration(s), the permittee must inform the Division's local Environmental Assistance Center in writing within 30 days from the time storm water monitoring results were received, describing the likely cause of the exceedance(s). Furthermore, within 60 days from the time SW monitoring results were received, the facility must:

- review its storm water pollution prevention plan, make any modifications or additions to the plan which would assist in reducing specific effluent concentrations which are equal to less than cut-off concentrations for that facility, and
- submit to the Division's local Environmental Assistance Center a brief summary of the proposed SWPPP modifications (including a timetable for implementation).

New owners shall review the existing plan and make appropriate changes using the same timetable as described above. Amendments and modifications to the plan may be reviewed by the Division in the same manner as in Part IV.B.

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D Contents of the Plan

The contents of the pollution prevention plan shall comply with the requirements listed in the appropriate section of Part XI. (Specific Requirements for Industrial Activities). Table 2 lists the location of the plan requirements for the respective industrial activities. These requirements are cumulative. If a facility has co-located activities that are covered in more than one section of Part XI., that facility's SWPPP must comply with the requirements listed in all applicable sections of this permit.

**Table 2
Pollution Prevention Plan Requirements**

Storm Water Discharges From:	Are Subject to Pollution Prevention Plan Requirements Listed in Part:
Timber Products Facilities	XI.A.3.
Paper and Allied Products Manufacturing Facilities	XI.B.3.
Chemical and Allied Products Manufacturing Facilities	XI.C.3.
Asphalt Paving, Roofing Materials, and Lubricant Manufacturing Facilities	XI.D.3.
Glass, Clay, Cement Concrete and Gypsum Product Manufacturing Facilities	XI.E.3.
Primary Metals Facilities	XI.F.3.
Metal Mines (Ore Mining and Dressing) (RESERVED)	XI.G.3.
Inactive Coal Mines and Inactive Coal Mine-Related Facilities	XI.H.3.
Oil or Gas Extraction Facilities	XI.I.3.
Construction Sand and Gravel Mining and Processing and Dimension Stone Mining and Quarrying Facilities	XI.J.3.
Hazardous Waste Treatment Storage or Disposal Facilities	XI.K.3.
Landfills and Land Application Sites	XI.L.3.
Automobile Salvage Yards	XI.M.2.
Scrap and Waste Recycling Facilities	XI.N.3.
Steam Electric Power Generating Facilities	XI.O.3.
Vehicle Maintenance or Equipment Cleaning areas at Motor Freight Transportation Facilities, Passenger Transportation Facilities, Petroleum Bulk Oil Stations and Terminals, the United States Postal Service, or Railroad Transportation Facilities	XI.P.3.

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Storm Water Discharges From:	Are Subject to Pollution Prevention Plan Requirements Listed in Part:
Vehicle Maintenance Areas and Equipment Cleaning Areas of Water Transportation Facilities	XI.Q.3.
Ship or Boat Building and Repair Yards	XI.R.3.
Vehicle Maintenance Areas, Equipment Cleaning Areas or From Airport Deicing Operations located at Air Transportation Facilities	XI.S.3.
Wastewater Treatment Works	XI.T.3.
Food and Kindred Products Facilities	XI.U.3.
Textile Mills, Apparel and other Fabric Product Manufacturing Facilities	XI.V.3.
Furniture and Fixture Manufacturing Facilities	XI.W.3.
Printing and Platemaking Facilities	XI.X.3.
Rubber and Miscellaneous Plastic Product Manufacturing Facilities	XI.Y.3.
Leather Tanning and Finishing Facilities	XI.Z.3.
Facilities That Manufacture Metal Products including Jewelry, Silverware and Plated Ware	XI.AA.3.
Facilities That Manufacture Transportation Equipment, Industrial or Commercial Machinery	XI.BB.3.
Facilities That Manufacture Electronic and Electrical Equipment and Components, Photographic and Optical Goods	XI.CC.3.
Facilities That Are Not Covered Under Sectors A Thru AC (Monitoring Required)	XI.DD.3.
Facilities That Are Not Covered Under Sectors A Thru AC (Monitoring Not Required)	XI.EE.3.

E Special Pollution Prevention Plan Requirements

In addition to the minimum standards listed in Part XI. of this permit (Specific Requirements for Industrial Activities), the storm water pollution prevention plan (SWPPP) shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:

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1. Additional Requirements for Storm Water Discharges Associated With Industrial Activity that Discharge Into or Through Permitted Municipal Separate Storm Sewer Systems (MS4)

- a) In addition to the applicable requirements of this permit, facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge of the municipal separate storm sewer system that receives the facility's discharge, provided the discharger has been notified of such conditions.
- b) Permittees that discharge storm water associated with industrial activity through a municipal separate storm sewer system, or a municipal system designated by the Division, shall make SWPPPs available to the municipal operator of the system upon request.

2. Additional Requirements for Storm Water Discharges Associated With Industrial Activity From Facilities Subject to EPCRA Section 313 Requirements

In addition to the requirements of Part XI. of this permit and other applicable conditions of this permit, storm water pollution prevention plans for facilities subject to reporting requirements under EPCRA Section 313 for chemicals that are classified as 'Section 313 water priority chemicals' (see Addendum D) in accordance with the definition in Part X. of this permit, except as provided in paragraph IV.E.2.c) (below), shall describe and ensure the implementation of practices that are necessary to provide for conformance with the following guidelines:

- a) In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided unless otherwise exempted under Part IV.E.2.c. At a minimum, one of the following preventive systems or its equivalent shall be used:
 - (1) Curbing, culverting, gutters, sewers, or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or
 - (2) Roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.
- b) In addition to the minimum standards listed under Part IV.E.2.a. (above) of this permit, except as otherwise exempted under Part IV.E.2.c (below) of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with other effective storm water pollution prevention procedures, and applicable State rules, regulations, and guidelines:
 - (1) Liquid storage areas where storm water comes into contact with any equipment, tank, container, or other vessel used for Section 313 water priority chemicals:
 - (a) No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.
 - (b) Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest

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single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

(2) Material storage areas for Section 313 water priority chemicals other than liquids that are subject to runoff, leaching, or wind shall incorporate drainage or other control features that will minimize the discharge of Section 313 water priority chemicals by reducing storm water contact with Section 313 water priority chemicals.

(3) Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Protection such as overhangs or door skirts to enclose trailer ends at truck loading/unloading docks shall be provided as appropriate. Appropriate measures to minimize discharges of Section 313 chemicals may include: the placement and maintenance of drip pans (including the proper disposal of materials collected in the drip pans) where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections; a strong spill contingency and integrity testing plan; and/or other equivalent measures.

(4) Areas Where Section 313 Water Priority Chemicals Are Transferred, Processed, or Otherwise Handled: Processing equipment and materials handling equipment shall be operated so as to minimize discharges of Section 313 water priority chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall minimize storm water contact with Section 313 water priority chemicals. Additional protection such as covers or guards to prevent exposure to wind, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals to the drainage system shall be provided as appropriate. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.

(5) Discharges From Areas Covered by Paragraphs (1), (2), (3), or (4):

(a) Drainage from areas covered by paragraphs (1), (2), (3), or (4) of this part should be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Where containment units are employed, such units may be emptied by pumps or ejectors; however, these shall be manually activated.

(b) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas should, as far as is practical, be of manual, open-and-closed design.

(c) If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

(d) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment area, and the SWPPP shall describe the inspection protocol that the facility will use prior to such discharges from containment areas.

(6) Facility Site Runoff Other Than From Areas Covered By (1), (2), (3), or (4). Other areas of the facility (those not addressed in paragraphs (1), (2), (3), or (4)), from which runoff that may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a

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discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

(7) Preventive Maintenance and Housekeeping. All areas of the facility shall be inspected at specific intervals identified in the plan for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, facility piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures that could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered that may result in significant releases of Section 313 water priority chemicals to waters of the State, action to stop the leak or otherwise prevent the significant release of Section 313 water priority chemicals to waters of the State shall be immediately taken or the unit or process shut down until such action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

(8) Facility Security. Facilities shall have the necessary security systems to prevent accidental or intentional entry that could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

(9) Training. Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year. Training shall address: pollution control laws and regulations, the storm water pollution prevention plan and the particular features of the facility and its operation that are designed to minimize discharges of Section 313 water priority chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will maintain the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of facility operation and design features in order to prevent discharges or spills from occurring.

c) Facilities subject to reporting requirements under EPCRA Section 313 for chemicals that are classified as 'Section 313 water priority chemicals' in accordance with the definition in Part X. of this permit that are handled and stored onsite only in gaseous or non-soluble liquid or solid (at atmospheric pressure and temperature) forms may provide a certification as such in the pollution prevention plan in lieu of the additional requirements in Part IV.E.2. Such certification shall include a narrative description of all water priority chemicals and the form in which they are handled and stored, and shall be signed in accordance with Part VII.G. (Signatory Requirements) of this permit.

d) The storm water pollution prevention plan shall be certified in accordance with Section VII.G (Signatory Requirements) of this permit.

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3. Additional Requirements for Salt Storage

Storage piles of salt used for deicing or other commercial or industrial purposes and that generate a storm water discharge associated with industrial activity that is discharged to waters of the State shall be enclosed or covered to prevent exposure to precipitation, except for exposure resulting from adding or removing materials from the pile. Dischargers shall be compliant with this provision upon submittal of the NOI. Piles do not need to be enclosed or covered where storm water from the pile is not discharged to waters of the State.

4. Consistency With Other Plans

Storm water pollution prevention plans may reference the existence of other plans for Spill Prevention Control and Countermeasure (SPCC) plans developed for the facility under Section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by an NPDES permit for the facility as long as such requirement is incorporated into the storm water pollution prevention plan.

F Additional Pollution Prevention Plan requirements for new discharges and discharges which constitute an increase of pollutant loading into 303(d) listed waters or high quality waters

If the Division has notified the facility operator that the estimated pollutant load is consistent with the TMDL and that the proposed storm water discharges meet the eligibility requirements of the TMSP and may be authorized under this permit, additional SWPPP requirements shall apply. Additional SWPPP requirements for new discharges and discharges which constitute an increase of pollutant loading into 303(d) listed waters for a parameter present in the facility's storm water runoff, or discharges upstream of waters impaired by the same parameter, that may affect the impaired waters; and for discharges to waters identified by the Department as high quality waters, or discharges upstream of high quality waters, that may affect the high quality waters, are as follows:

The Storm Water Pollution Prevention Plan shall be submitted to the appropriate Division's Environmental Assistance Center (see list of EACs on page 15). This plan may be submitted with the NOI, but must be submitted prior to commencement of new industrial activities, or a change of industrial activity that would cause an increase of pollutant loading from the site into 303(d) listed waters or high quality waters.

The permittee shall perform the inspections (as described below) at a minimum frequency of once per month.

Qualified personnel shall inspect the areas of facility used for storage of significant materials that are exposed to precipitation, as well as structural and non-structural control measures at the site. Areas used for storage of significant materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Outfall points (where discharges from the site enter into 303(d) listed waters or high quality waters) shall be inspected to determine whether structural and non-structural control measures are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected if possible.

Based on the results of the inspection, any inadequate control measures or control measures in disrepair shall be replaced or modified, or repaired as necessary, before the next rain event if possible, but in no

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case more than seven days after the need is identified. If maintenance prior to the next anticipated storm event is impracticable, maintenance must be scheduled and accomplished as soon as practicable.

Based on the results of the inspection, the facility description and pollution prevention measures identified in the SWPPP shall be revised as appropriate, but in no case later than 14 calendar days following the inspection. Such modifications shall provide for timely implementation of any changes to the plan in no case later than 21 calendar days following the inspection.

Inspections shall be documented and include the scope of the inspection, name(s) and title or qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention plan (including the location(s) of discharges of pollutants from the site and of any control device that failed to operate as designed or proved inadequate for a particular location), and actions taken to prevent further discharge of pollutants from the site.

The permittee must certify on a quarterly basis that inspections of structural and non-structural control measures and of outfall points were performed and whether or not all planned and designed pollution prevention controls measures are installed and in working order. The certification must be done by a person who meets the signatory requirements of this permit. The certification should be kept with the facility's SWPPP and has to be submitted to the local Environmental Assistance Center upon request.

If the Division finds that a discharge is causing a violation of water quality standards or causing or contributing to the impairment of a 303(d) listed water or any water identified as impaired since promulgation of the latest 303(d) list, and finds that the discharger is complying with storm water pollution prevention plan requirements of this permit, the discharger will be notified by the Director in writing that the discharge is no longer eligible for coverage under the general permit and that continued discharges must be covered by an individual permit. To obtain the individual permit, the operator must file an individual permit application.

V NUMERIC EFFLUENT LIMITATIONS

A Discharges Associated With Specific Industrial Activity

Numeric effluent limitations for storm water discharges associated with a specific industrial activity are described in Part XI. of this permit.

B Coal Pile Runoff

Any storm water discharge composed of coal pile runoff shall not exceed a maximum concentration for any time of 50 mg/L total suspended solids (TSS). Coal pile runoff shall not be diluted with storm water or other flows in order to meet this limitation. The pH of such discharges shall be within the range of 6.0 to 9.0. Runoff from coal piles shall be compliant with this provision upon submittal of the NOI. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff that is associated with a 10-year, 24-hour rainfall event shall not be subject to the 50 mg/L limitation for total suspended solids.

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VI MONITORING AND REPORTING REQUIREMENTS

A Monitoring Requirements

1. Limitations on Monitoring Requirements

a) Except as required by paragraph b. (see below), only those facilities with discharges or activities identified in Part VI.D. and Part XI. are required to conduct sampling of their storm water discharges associated with industrial activity. Monitoring requirements under parts VI.D. and XI. are additive. Facilities with discharges or activities described in more than one monitoring section are subject to all applicable monitoring requirements from each section.

b) The Director can provide written notice to any facility otherwise exempt from the sampling requirements of Parts VI.D. and XI. that it shall conduct discharge sampling for a specific monitoring frequency for specific parameters.

2. Additional Monitoring by the Permittee

If the permittee monitors any pollutant required to be monitored by this permit more frequently than required in Parts VI.D. and XI., using approved analytical methods as specified herein, the results of such monitoring shall be included in the calculation and reporting of the values required in the TMSP Storm Water Monitoring Report form. Such increased frequency shall also be indicated on the form.

B Reporting: Where to Submit

One (1) signed copy of discharge monitoring report(s) required under Parts XI. and VI.C., and all other storm water monitoring reports required herein, shall be submitted to the Division at the following address:

**Enforcement and Compliance Section
Tennessee Division of Water Pollution Control
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534**

Mining and Quarrying facilities only (Sectors J and H) should submit one (1) signed copy of discharge monitoring report(s) required under Parts XI. and VI.C., and all other reports required herein, to the Division's Mining Section at the following address:

**Mining Section
Tennessee Division of Water Pollution Control
3701 Middlebrook Pike, Suite 220
Knoxville, TN 37921-5602**

For each outfall, one discharge monitoring report form must be submitted.

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C Electronic Submission of Reports

If the Division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the Internet) of other discharge monitoring report(s) required under Parts XI. and VI.C., and all other storm water monitoring reports options that become available at a later date (e.g., electronic submission of forms or letters), the permittees may take advantage of those options to satisfy the reporting requirements.

D Special Monitoring Requirements for Coal Pile Runoff

During the period beginning on the effective date (March 1, 2002) and lasting through the expiration date (December 31, 2006) of this permit, permittees with storm water discharges containing coal pile runoff shall monitor such storm water for pH and TSS (mg/l) at least annually (1 time per year). Permittees with discharges containing coal pile runoff must report in accordance with Part V.B (Numeric Effluent Limitations) and Part VI.B. (Reporting: Where to Submit). In addition to the parameters listed above, the permittee shall maintain a record of the date and duration (in hours) of the storm event(s) samples; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge samples.

1. Sample Type

For discharges containing coal pile runoff, data shall be reported for a grab sample. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the facility. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable.

2. Sampling Waiver

When a discharger is unable to collect samples of coal pile runoff due to adverse climatic conditions, the discharger shall collect a substitute sample from a separate subsequent qualifying storm event. Adverse weather conditions that may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, hurricane, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).

3. Representative Discharge

When a facility has two or more outfalls containing coal pile runoff that, based on a consideration of the other industrial activity, and significant materials, and upon management practices and activities within the area drained by the outfall, and the permittee reasonably believes substantially identical effluents are

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discharged, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfalls provided that the permittee includes in the storm water pollution prevention plan a description of the location of the outfalls and explains in detail why the outfalls are expected to discharge substantially identical effluents. In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g., low (under 40 percent), medium (40 to 65 percent) or high (above 65 percent)) shall be provided in the plan. Permittees required to submit monitoring information under Part VIII. of this permit shall include the description of the location of the outfalls, explanation of why outfalls are expected to discharge substantially identical effluents, and estimate of the size of the drainage area and runoff coefficient with the Discharge Monitoring Report. This representative discharge provision is not applicable to storm water discharges from coal piles regulated under the national effluent limitations guidelines.

4. Alternative Certification

Facilities with storm water discharges containing coal pile runoff may not submit alternative certification in lieu of the required monitoring data.

5. When to Submit

Permittees with discharges containing coal pile runoff shall submit monitoring results annually no later than the 31st day of January.

VII STANDARD PERMIT CONDITIONS

A Duty to Comply

1. Permittee's Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and/or the Tennessee Water Quality Control Act (TWQCA) is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

Pursuant to T.C.A. ' 69-3-115 of The Tennessee Water Quality Control Act of 1977, as amended:

- a) any person who violates an effluent standard or limitation or a water quality standard established under this part (T.C.A. ' 69-3-101, et.seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this part or any rule or regulation promulgated by the board, is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs;

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b) any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this part (T.C.A. ' 69-3-101, et.seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense;

c) any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this part (T.C.A. ' 69-3-101, et.seq.) commits a Class E felony and shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or incarceration, or both.

Nothing in this permit shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge of storm water to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct its storm water treatment and/or discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or the Federal Water Pollution Control Act.

B Continuation of the Expired General Permit

This permit expires on December 31, 2006. However, an expired general permit continues in force and effect until a new general permit is issued. Permittees that choose, or are required, to obtain an individual permit must submit an application (Forms 1 and 2F and any other applicable forms) 180 days prior to expiration of this permit. Permittees that are eligible and choose to be covered by a new general permit must submit an NOI by the date specified in that permit.

C Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

E Duty to Provide Information

The permittee shall furnish to the Division, within a time specified by the Division, any information that the Division may request to determine compliance with this permit. The permittee shall also furnish to the Division upon request, copies of records required to be kept by this permit.

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F Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Division, he or she shall promptly submit such facts or information.

G Signatory Requirements

All Notices of Intent (NOI), requests for termination of permit coverage, storm water pollution prevention plans, reports, certifications or information either submitted to the Division (and/or the operator of a permitted municipal separate storm sewer system), or that this permit requires be maintained by the permittee, shall be signed.

1. Signatory Requirements for a Notice of Intent

Notice of Intent shall be signed as follows:

a) For a corporation. By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or

(2) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: The Division does not require specific assignments or delegations of authority to responsible corporate officers. The Division will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.

b) For a partnership or sole proprietorship. By a general partner or the proprietor, respectively; or

c) For a municipality, State, Federal, or other public agency. By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

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2. Signatory Requirements for Reports

All reports required by the permit and other information requested by the Division shall be signed as follows:

a) All reports required by permits, and other information requested by the Director shall be signed by a person described in paragraph G.1. (Signatory Requirements for a Notice of Intent) of this section, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in paragraph G.1. (Signatory Requirements for a Notice of Intent) of this section;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (A duly authorized representative may thus be either a named individual or any individual occupying a named position.) and,

(3) The written authorization is submitted to the Director.

b) Changes to authorization

If an authorization under paragraph a)(2) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph a)(2) of this section must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

c) Certification

Any person signing a document under paragraph a) (1) or (2) of this section shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

d) Penalties for Falsification of Reports

Section 309c(4) of the Clean Water Act (CWA) provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both.

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H Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act (CWA) or Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

I Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

J Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

K Requiring an Individual Permit or an Alternative General Permit

1. Division of Water Pollution Control Designation

The Division may require any person authorized by this permit to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Division to take action under this paragraph. The Division may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. Individual permit applications shall be submitted to the address shown in the list of EACs on page 15 of this permit for the Division's Environmental Assistance Center responsible for the county where the facility is located. The Division may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application as required by the Division, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

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2. Individual Permit Application

Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2F) with reasons supporting the request to the Division. Individual permit applications shall be submitted to the address of the appropriate Division's Environmental Assistance Center (see list of EACs on page 15). The request may be granted by the issuance of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

3. Individual/Alternative General Permit Issuance

When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is authorized for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Division.

L State/Environmental Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Tennessee law or regulation under authority preserved by Section 510 of the Act.

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

M Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related equipment) that are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

N Monitoring and Records

1. Representative Samples/Measurements

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

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2. Retention of Records

a) The permittee shall retain records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the application of this permit for a period of at least three (3) years from the date of sample, measurement, evaluation or inspection, report, or application. This period may be extended by request of the Division at any time. Permittees must submit any such records to the Division upon request.

b) The permittee shall retain the pollution prevention plan developed in accordance with Parts IV. and XI. of this permit until a date 3 years after the last modification or amendment is made to the plan, and at least 1 year after coverage under this permit terminates.

3. Records Contents

Records of monitoring information shall include:

- a) The date, exact place, and time of sampling or measurements;
 - b) The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - c) The date(s) analyses were performed;
 - d) The time(s) analyses were initiated;
 - e) The initials or name(s) of the individual(s) who performed the analyses;
 - f) References and written procedures, when available, for the analytical techniques or methods used;
- and
- g) The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

4. Approved Monitoring Methods

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

O Inspection and Entry

The permittee shall allow the Division or an authorized representative of the Division, or, in the case of a facility that discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to: enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit; have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and inspect at reasonable times any facilities or equipment (including monitoring and control equipment).

P Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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Q Bypass of Treatment Facility

1. Notice

a) Anticipated Bypass. If a permittee subject to the numeric effluent limitations of Parts V. and XI. of this permit knows in advance of the need for a bypass, he or she shall submit prior notice, if possible, at least 10 days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

b) Unanticipated Bypass. The permittee subject to the numeric effluent limitations of Parts V. and XI. of this permit shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the bypass and its cause; the period of the bypass; including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

2. Prohibition of Bypass

a) Bypass is prohibited and the Division may take enforcement action against a permittee for a bypass. Unless:

- (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The permittee notified the Division in accordance with Part VII.Q.1.

b) The Division may approve an anticipated bypass after considering its adverse effects, if the Division determines that it will meet the three conditions listed in Part VII.Q.2.a.

R Upset Conditions

1. Affirmative Defense

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based numeric effluent limitations in Parts V. and XI. of this permit if the requirements of paragraph 2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

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2. Required Defense

A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a) An upset occurred and that the permittee can identify the specific cause(s) of the upset:
- b) The permitted facility was at the time being properly operated; and
- c) The permittee provided oral notice of the upset to the Division within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee became aware of the circumstances. The written submission shall contain a description of the upset and its cause; the period of the upset; including exact dates and times, and if the upset has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the upset.

3. Burden of Proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

VIII REOPENER CLAUSE

A Potential or Realized Impacts on Water Quality

If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or an alternative general permit in accordance with Part VII.K. (Requiring an Individual Permit or an Alternative General Permit) of this permit or the permit may be modified to include different limitations and/or requirements.

B Applicable Regulations

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64, and 124.5.

IX TERMINATION OF COVERAGE

A Notice of Termination

Where all storm water discharges associated with industrial activity that are authorized by this permit are eliminated, or where the operator of storm water discharges associated with industrial activity at a facility changes, the operator of the facility shall submit a written request for such termination that is signed in accordance with Part VII.G. (Signatory Requirements) of this permit. The written notice shall include the following information:

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- Facility Information

Name, mailing address, and location of the facility for which the notification is submitted;

- Operator Information

The name, address, and telephone number of the operator addressed by the notice;

- Permit Number

The NPDES permit number for the storm water discharge associated with industrial activity identified by the notice;

- Reason for Termination

An indication of whether the storm water discharges associated with industrial activity have been eliminated or the operator of the discharges has changed; and

- Certification

The following certification signed in accordance with Part VII.G. (Signatory Requirements) of this permit:

I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by an NPDES general permit have been eliminated or that I am no longer the operator of the industrial activity. I understand that by submitting this notice of termination, that I am no longer authorized to discharge storm water associated with industrial activity under this general permit, and that discharging pollutants in storm water associated with industrial activity to waters of the State is unlawful under the Clean Water Act where the discharge is not authorized by an NPDES permit. I also understand that the submittal of this notice of termination does not release an operator from liability for any violations of this permit or the Clean Water Act.

B Addresses

All written notices of termination are to be sent to the Division's Environmental Assistance Center responsible for the county where the facility is located (see list of EACs on page 15).

C Electronic Submission of Notice of Termination

If the Division notifies dischargers (directly by mail or E-mail, by public notice, or by making information available on the Internet) of other Notice of Termination options that become available at a later date (e.g., electronic submission of forms or letters), the permittees may take advantage of those options to satisfy the Notice of Termination notification requirements.

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D No Exposure Certification

The facility may discontinue permit coverage under TMSP if it is eligible for the “no exposure” permit exemption. “No exposure” permit exemption is a conditional exclusion applicable to all categories of industrial activity (except construction activity) with no exposure of industrial materials and activities to storm water. All facilities with point source discharges of storm water associated with industrial activity that satisfy criteria of no exposure and complete a no exposure certification form will be able to obtain exclusion from NPDES storm water permitting under TMSP.

A condition of no exposure exists at an industrial facility when all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. A storm resistant shelter is not required for the following industrial materials and activities:

- drums, barrels, tanks, and similar containers that are tightly sealed, provided those containers are not deteriorated and do not leak. “Sealed ” means banded or otherwise secured and without operational taps or valves;
- adequately maintained vehicles used in material handling; and
- final products, other than products that would be mobilized in storm water discharges (e.g., rock salt).

A no exposure certification must be provided for each facility qualifying for the no exposure exclusion. In addition, the exclusion from NPDES permitting is available on a facility-wide basis only, not for individual outfalls. If any industrial activities or materials are or will be exposed to precipitation, the facility is not eligible for the no exposure exclusion.

No exposure certification renewals must be submitted five years from the time they are first submitted (assuming the facility still qualifies for the exemption). If conditions change at a facility such that renewed TMSP coverage is needed, the facility must submit an NOI requesting renewed coverage.

Facilities that qualify for and submit a “no exposure” certification are no longer authorized by nor required to comply with this permit. Furthermore, facilities that are no longer required to have permit coverage due to a “no exposure” exclusion, are not required to submit a Notice of Termination.

A copy of no exposure certification form can be obtained by requesting a copy of the form at the address listed below, from the Division’s Environmental Assistance Center responsible for the county where the facility is located (see list of EACs on page 15), or at the Department’s web page for the TMSP (<http://www.state.tn.us/environment/permits/strmh2o.htm>). One (1) signed copy of no exposure certification form shall be submitted to the Division at the following address:

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**Permit Section – No Exposure Certification Processing
Tennessee Division of Water Pollution Control
6th Floor L & C Annex
401 Church Street
Nashville, TN 37243-1534**

X DEFINITIONS

303(d) List is a compilation of streams and lakes in Tennessee that are “water quality limited” or are expected to exceed water quality criteria in the future and need additional pollution controls. Water quality limited streams are those that have one or more properties that violate water quality standards. Therefore, the stream or lake which is considered to be a Section 303(d) listed water or any segment of the stream or lake identified as impaired since promulgation of the latest 303(d) list is considered to be impacted by pollution and not fully meeting its designated uses. If a discharge enters impaired waters, or is upstream of impaired waters and may affect the impaired waters, then the discharges will be subject to the special permit requirements.

Best Management Practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage..

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Coal pile runoff means the rainfall runoff from or through any coal storage pile

Co-located industrial activity means when a facility has industrial activities being conducted onsite that are described under more than one of the coverage sections of Part XI in this permit (Discharges Covered Under This Section). Facilities with co-located industrial activities shall comply with all applicable monitoring and pollution prevention plan requirements of each section in which a co-located industrial activity is described. Provisions under applicable co-located facilities sections should be applied on an outfall-specific basis.

CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

Commercial Treatment and Disposal Facilities means facilities that receive, on a commercial basis, any produced hazardous waste (not their own) and treat or dispose of those wastes as a service to the generators. Such facilities treating and/or disposing exclusively residential hazardous wastes are not included in this definition.

Director means the Director of the Division of Water Pollution Control, or an authorized representative.

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Flow-weighted composite sample means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

Grab Sample is a single storm water runoff sample of at least 100 milliliters collected at a randomly-selected time over a period not exceeding 15 minutes, collected within the first 30 minutes (or as soon thereafter as practical, but not to exceed 1 hour) of when the runoff or snowmelt begins discharging. The sample shall be collected at the period most representative of the total discharge, recognizing that a “first flush” sample would be the most accurate representation for various pollutants in the storm water runoff.

High quality waters are surface waters of the State of Tennessee that are identified by the Department as high quality waters. Characteristics of high quality waters are listed at Rule 1200-4-3-.06 of the official compilation - rules and regulations of the State of Tennessee. Characteristics include waters designated by the Water Quality Control Board as Outstanding National Resource Waters (ONRW); waters that provide habitat for ecologically significant populations of certain aquatic or semi-aquatic plants or animals; waters that provide specialized recreational opportunities; waters that possess outstanding scenic or geologic values; or waters where existing conditions are better than water quality standards. High quality waters are sometimes referred to as Tier II or Tier III (ONRW) waters.

Land application unit means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

Landfill means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, or waste pile.

Landfill wastewater as defined in 40 CFR Part 445 (Landfills Point Source Category) is all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated groundwater, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water and contact washwater from washing truck, equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility. Non-contaminated storm water runoff from landfill is storm water which does not come into direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in Part 6.K.4.5. Non-contaminated storm water includes storm water which flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.

Leachate is a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

Large and medium municipal separate storm sewer system means all municipal separate storm sewers that are either:

- (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of 40 CFR Part 122); or
- (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of 40 CFR Part 122); or

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(iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Division as part of the large or medium municipal separate storm sewer system.

Load Allocation (LA): The portion of a receiving water's loading capacity that is attributed either to one of its existing or future nonpoint sources of pollution or to natural background (40 CFR 130.2(g)).

Margin of Safety (MOS): The "MOS" accounts for uncertainty in the loading calculation. The MOS may not be the same for different waterbodies due to differences in the availability and strength of data used in the calculations.

No exposure certification is a conditional exclusion applicable to all categories of industrial activity (except construction activity) with no exposure of industrial materials and activities to storm water. All facilities with point source discharges of storm water associated with industrial activity that satisfy criteria of no exposure and complete a no exposure certification form will be able to obtain exclusion from NPDES storm water permitting under TMSP.

Nonpoint Source: A nonpoint source is essentially any source of pollutant(s) that is not a point source. Examples are sheet flow from pastures and runoff from paved areas.

Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Section 313 water priority chemical means a chemical or chemical categories that: 1) are listed at 40 CFR 372.65 pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (also known as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986); 2) are present at or above threshold levels at a facility subject to EPCRA Section 313 reporting requirements; and 3) meet at least one of the following criteria: (i) are listed in Appendix D of 40 CFR Part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) are listed as a hazardous substance pursuant to Section 311(b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) are pollutants for which EPA has published acute or chronic water quality criteria. See Addendum A of this permit. This addendum is based on the final rulemaking EPA published in the Federal Register November 30, 1994.

Significant materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to EPCRA Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

Significant spills includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (see 40 CFR 302.4).

Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

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Storm water associated with industrial activity means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs (i) to (xi) of this definition) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection:

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards that are exempted under category (xi) of this definition);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(l) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of noncoal mining operations that have been released from applicable State or Federal reclamation requirements after December 12, 1990) and oil and gas exploration, production, processing or treatment operations or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operation; inactive mining operations are mining sites that are not being actively mined, but that have an identifiable owner/operator;

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

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(vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or that are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this subsection are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR Part 503;

(x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than 5 acres of total land area that are not part of a larger common plan of development or sale;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and that are not otherwise included within categories (i) to (x)).

TMDL (Total Maximum Daily Load) The sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background (40 CFR 130.2(I)). TMDL is a study that: 1.quantifies the amount of a pollutant in a stream, 2.identifies the sources of the pollutant, 3.and recommends regulatory or other actions that may need to be taken in order for the stream to no longer be polluted. Following are actions that might be recommended: Re-allocate limits on the sources of pollutants documented as impacting streams. It might be necessary to lower the amount of pollutants being discharged under NPDES permits or to require the installation of other control measures, if necessary, to insure that standards will be met. For sources the Division does not have regulatory authority over, such as ordinary non-pointsource agricultural and forestry activities, provide information and technical assistance to other state and federal agencies that work directly with these groups to install appropriate Best Management Practices. Even for the impacted streams found on the 303(d) List, TMDL development is not considered appropriate for all bodies of water: if enforcement has already been taken and a compliance schedule has been developed; or if best management practices have already been installed for non-regulated activities, the TMDL is considered not applicable. In causes involving pollution sources in other states, the recommendation may be that another state or EPA perform the TMDL. TMDL's can also be described by the following equation:

$$\text{TMDL} = \text{sum of non point sources (LA)} + \text{sum of point sources (WLA)} + \text{margin of safety}$$

Uncontrolled sanitary landfill means a landfill or open dump, whether in operation or closed, that does not meet the requirements for run-on or runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act.

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Upset means an exceptional incident in which there is unintentional and temporary noncompliance with the numeric effluent limitations of Parts V. and XI. of this permit because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Wasteload allocation (WLA): The portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. WLAs constitute the type of water quality-based effluent limitation. (40 CFR 130.2(h)).

Waste pile means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

Water quality-limited segments: Those water segments that do not or are not expected to meet applicable water quality standards even after the application of technology.

Waters of the State or simply Waters is defined in the Tennessee Water Quality Control Act and means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine to effect a junction with natural surface or underground waters.